

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

MANCHESTER PACIFIC GATEWAY  
LLC,

Plaintiff,

vs.

CALIFORNIA COASTAL COMMISSION,  
et al.,

Defendants.

CASE NO. 07cv1099 JM(RBB)

ORDER DENYING MOTION FOR  
RECONSIDERATION

Defendants California Coastal Commission ("Commission"), all twelve members of the Commission (Steve Blank, Sara Wan, Dr. William A. Burke, Steven Kram, Mary K. Shallenberger, Patrick Kruer, Bonnie Neely, Mike Reilly, Dave Potter, Khatchik Achadjian, Larry Clark, and Ben Hueso), and the Executive Director of the Commiussion (Peter M. Douglas) move for reconsideration of this court's April 25, 2008 Order Granting Motion for Partial Summary Judgment ("Order").<sup>1</sup> Plaintiff Manchester Pacific Gateway LLC ("MPG") opposes the motion.

"Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. . . . There may also be other, highly unusual circumstances warranting reconsideration." School Dist. N. 1J Multnomah Cty. v. ACandS, Inc., 5 F.3d 1255, 1263

---

<sup>1</sup> On January 15, 2008 the parties jointly dismissed three Commission staff persons (Sherilyn Sarb, Deborah Lee, and Diana Lilly) from the First Amended Complaint.


1 (9th Cir. 1993). The Commission does not identify any newly discovered evidence nor intervening  
2 change in law. Rather, the Commission argues that the court committed clear error by (1) “holding  
3 that the Commission may not require a coastal development permit for private activities on federal  
4 lands excluded from the coastal zone under the Coastal Zone Management Act (“CZMA”),” (Motion  
5 at p.2:5-7); and (2) treating MPG’s “project as a federal, rather than private, activity.” (Motion at  
6 p.2:12). Finally the Commission argues that MPG’s counsel provided an overly broad assessment of  
7 the Order to the press. (Motion at p.7:4-6).

8 The court rejects the Commission’s grounds for reconsideration. First, the Commission  
9 mischaracterizes this court’s holding. This court’s holding is a narrow one: the NBC site is excluded  
10 from the definition of coastal zone because the use of the NBC site “is by law subject solely to the  
11 discretion of . . . the Federal Government.” 16 U.S.C. §1453(1). Second, the involvement of MPG  
12 in developing and operating the NBC site, as explained in the Order, does not violate the statutory  
13 mandate as the legislation at issue specifically contemplates “the use of private parties to accomplish  
14 the federal object to construct Navy administrative facilities. . . .” (Order at p.9:2-3). Finally, an  
15 attorney’s characterization, or mischaracterization, of a court order to the press is not a ground  
16 warranting reconsideration.

17 In sum, the motion for reconsideration is denied.

18 **IT IS SO ORDERED.**

19 DATED: July 14, 2008

20   
21 Hon. Jeffrey T. Miller  
United States District Judge

22 cc: All parties  
23  
24  
25  
26  
27  
28